

NOV 14 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Lammers, et al.

Serial No.: 10/509,669

Filed: 09/24/2004

For: GENERATION OF PLANTS WITH
IMPROVED PATHOGEN
RESISTANCEAttorney Docket No: AG03-004C-
US**RESPONSE TO COMMUNICATION****VIA FACSIMILE (571) 273-8300 and FIRST CLASS MAIL**Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This is in response to the communication dated October 13, 2005, indicating that the submitted declaration is defective.

Applicants are still in the process of obtaining the signatures from the inventors, as many of the inventors are no longer employed by the assignee.


Attached please find the portion of executed declarations, along with a copy of the declarations sent to the inventors but not yet returned. Once received, the entire declaration package will be re-sent.

The legal name of the fourth inventor is Tina M. Harwell. The listing of Tina M. Harweel is a typographical error by the USPTO. Attached is a copy of the Transmittal letter, acknowledgement postcard and Sheet No. 2 of the PCT Demand as filed with the USPTO on October 7, 2003.

This is a good faith response to the communication sent on October 13, 2005. No fees are believed to be due for the submission of this response. If this belief is in error, however, the commissioner is authorized to charge any fees for consideration of this response and any other papers filed herewith to deposit account number 50-1108.

Respectfully submitted,

Dated: November 14, 2005



Laleh Shayesteh Reg. No. 47,937
EXELIXIS, INC.
170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511
Telephone: (650) 837-8223
Facsimile: (650) 837-8234

NOV 14 2005

AS

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

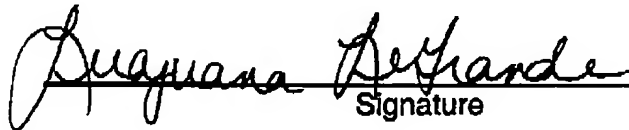
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on November 14, 2005 to (571) 273-8300.
Date


Signature

Luajuana LeGrande

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Response to Communication (2pgs)
Copy of Communication (2pgs)
Declaration (10pgs)
Copy of Transmittal Letter, Acknowledgement post card (1pg)
Copy of Sheet No. 2 of PCT Demand filed October 7, 2003 (1pg)

AG03-004C-US

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.:

AG03-004C-PC

I. Certification under 37 CFR 1.10 (if applicable)

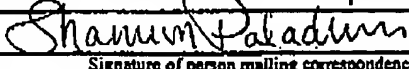
EV342494985US

Express Mail mailing number

07 October 2003

Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of person mailing correspondence

Shannon Paladini

Typed or printed name of person mailing correspondence

II. ☐ New International Application

TITLE

 Earliest priority date
(Day/Month/Year)

SCREENING DISCLOSURE INFORMATION: In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was not made in the United States.
- B. ☐ There is no prior U.S. application relating to this invention.
- C. ☐ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)

application no.		filed on	
application no.		filed on	

- D. ☐ The present international application contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

III. ☐ A Response to an Invitation from the RO/US. The following document(s) is(are) enclosed:

- A. ☐ A Request for An Extension of Time to File a Response
- B. ☐ A Power of Attorney (General or Regular)
- C. ☐ Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			

- D. ☐ Submission of Priority Documents

Priority document		Priority document	
-------------------	--	-------------------	--

- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

IV. ☐ A Request for Rectification under PCT 91 ☐ A Petition ☐ A Sequence Listing DisketteV. ☒ Other (please specify):

Ch II Demand (5p), Fee Transmittal (1p), return receipt postcard

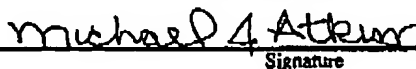
The person signing this form is the:

☐ Applicant

Michael Atkins, Reg. No. 35,431

☒ Attorney/Agent (Reg. No.)

Typed name of signer

☐ Common Representative


Signature

PTO-1382 (Rev. 08-1997)

U.S. Department of Commerce: Patent and Trademark Office

Sheet No. 2.

International application No.

PCT/US03/09485

Continuation of Box No. II APPLICANT(S)

If none of the following sub-boxes is used, this sheet should not be included in the demand.

Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)

BATES, Stanley R.
10567 Stayton Road S.E.
Aumsville, Oregon 97325
United States of America

State (that is, country) of nationality:

US

State (that is, country) of residence:

US

Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)

HARWELL, Tina M.
1713 8th Street, #2
Oregon City, Oregon 97045
United States of America

State (that is, country) of nationality:

US

State (that is, country) of residence:

US

Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)

WESTERLUND, Christina
2044 S.E. Ash #3
Portland, Oregon 97214
United States of America

State (that is, country) of nationality:

US

State (that is, country) of residence:

US

Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)

WAGNER, Ry
1742 Alder Street
Eugene, Oregon 97405
United States of America

State (that is, country) of nationality:

US

State (that is, country) of residence:

US

☒ Further applicants are indicated on another continuation sheet.

Form PCT/IPEA/401 (continuation sheet) (March 2001; reprint July 2003)

See Notes to the demand form

BEST AVAILABLE COPY